IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14883 of 2003

Between:

1 M. Nityananda Sarma s/o nagabharana Sarma
Atchampet Primary Agricultural Cooperative Society Ltd.,
Atchampet Atchampet Mandal, Guntur District
2 T.S. R. Mohana Babu s/o Satyanarayanacharyulu
Krosur Primary Agricultural Cooperative Society Ltd.,
Krosuru Krosur Mandal Guntur District
3 shaik Meera Saheb s/o Masthan
Peesapadu Primary Agricultral Cooperative society Ltd.,
Peesapadu Krosu Mandal Guntur District
4 K. Venkateswara Sarma s/o Gopalakrishnaiah
Parasatyallur Primary Agricultural Cooperative Society Ltd.,
Parasatyallur, Pedakurapadu Mandal, Guntur District
5 A. Prabhakara Rao s/o Subba rao
Tallacheruvu Primary Agricultural Cooperative Society Ltd.,
Tallacheruvu Atchampet Atchampet Mandal, Guntur District
6 J.v. Prasada Rao s/o Venkateswarlu
7 V. Seshabrahmachary s/o venkatachary
Panidam Primary Agricultural Cooperative Society Ltd.,
Panidam, pedakurapadu Mandal, Guntur District
8 B. Purnachandra rao S/o Venkata Subbaiah
Gudipudi Primary Agricultural Cooperative Society Ltd.,
Gudipudi, Pedakurapadu Mandal, Guntur District
9 M. Seshu Babu s/o Venkateswarly
Komatinenivaripalem Primary Agricultural Cooperative Society Ltd.,
Komatinenivaripalem Chilakaluripet Mandal Guntur District
10 P. Prabhakar Rao s/o Appaiah
Manukondavaripalem Primary Agricultural Cooperative Society Ltd.,
Manukondavaripalem, Chilakaluripet Mandal Guntur District
11 J. Venkata Subbaiah s/o Ramaiah
ravela Primary Agricultural Cooperative Society Ltd.,
Ravela Tadikonda Mandal Guntur District
12 B. Jagan mohan rao s/o Kotilingam

13 Shaik Jainullabddin s/o gayasuddin
Ponnekallu Primary Agricultural Cooperative Society Ltd.,
Ponnekallu Tadikonda Mandal Guntur District

..... PETITIONERS

AND

1 the Government of Andhra Pradesh Cooperation Department
rep by its Secretary, Secretariat, Hyderbad
2 the Commissioner for Cooperation and Registrar of Coop. Societies, Nampally
Hyderabad
3 the Guntur District Coop. Central Bank Ltd., rep by General Manager
Guntur Guntur District
4 The District Coop Officer,
Guntur Guntur District
5 the Divisional Coop. Officer,
Guntur District
6 the Divisional Coop. Officer,
Narasarao pet Guntur District
7 Atchampet Primary Agricultural
Cooperative Society Ltd., Atchampet Atchampet Mnadal, Guntur District
rep by chairperson/Person-in-charge
8 Krosur Primary Agricultural
Cooperative Society Ltd., Krosur Krousur Mnadal, Guntur District
rep by chairperson/Person-in-charge
9 Peesapadu Primary Agricultural
Cooperative Society Ltd., Peesapadu Krousur Mnadal, Guntur District
rep by chairperson/Person-in-charge
10 parastyallur Primary Agricultural
Cooperative Society Ltd., Parsatyallur Pedakurapadu Mnadal, Guntur District
rep by chairperson/Person-in-charge
11 Tallacheruvu Primary Agricultural
Cooperative Society Ltd., Tallacheruvu Atchampet Mnadal, Guntur District
rep by chairperson/Person-in-charge
12 Velpur Primary Agricultral
Cooperative Society Ltd., Velpur Atchampet Mnadal, Guntur District
rep by chairperson/Person-in-charge
13 Panidam Primary Agricultrual
Cooperative Society Ltd., Panidam Pedakurapadu Mnadal, Guntur District
rep by chairperson/Person-in-charge
14 Gudipudi Primary Agriculral
Cooperative Society Ltd., Gudipudi Pedakurapadu Mnadal, Guntur District
rep by chairperson/Person-in-charge
15 Komatinenivaripalem
Cooperative Society Ltd., Komatinenivari Palem Chilakaluripet Mnadal, Guntur
rep by chairperson/Person-in-charge
16 Manukondavaripalem Primary Agricultural
Cooperative Society Ltd., Manukondavari Palem Chilakaluripet Mnadal, Guntur
rep by chairperson/Person-in-charge

17 ravela Primary Agriculrural
Cooperative Society Ltd., Ravela Tadikonda Mnadal, Guntur District
rep by chairperson/Person-in-charge
18 Gorantla primary Agricultrual Coop
Cooperative Society Ltd., Gorantla Gorantla Mnadal, Guntur District
rep by chairperson/Person-in-charge
19 Ponnekallu Primary Agricultural
Cooperative Society Ltd., Ponnekallu Tadikonda Mnadal, Guntur District
rep by chairperson/Person-in-charge

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ or order or direction, more particularly one in the nature of Writ ofMandamus declaing the action the respondents in not paying the salaries tothe petitioners is illegal, arbitary and violative of article 14 and 21 of the Constitutionof India and Consequently direct the respondents to pay salaries to the petitioners without reference to Sec. 116-C of the Act

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1,2,4 to 6.: G.P. for CO-OPERATION.

Counsel for the Respondent No 10, 13 & 14: Mr. M.V. SURESH KUMAR

Counsel for the Respondent Nos. 15: Ms. A. MALATHI

Counsel for the Respondent Nos.3, 7 to 9, 11, 12, 16 to 19: --None appeared.

The Court made the following :

:ORAL ORDER:

The petitioners are employees of respondent Nos. 7 to 19 – Primary Agricultural Co-operative Societies (for short PACS). Their grievance is that their salaries are not being paid by the respondent Nos. 7 to 19 (PACS) since April, 2003 on account of the provisions of Section 116-C of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'). They admit that the respondent Nos. 7 to 19 (PACS) do not have enough financial ability to pay salaries to them within the financial discipline enjoined by the provisions of Section 116-C of the Act. The petitioners neither plead nor establish that the respondent Nos.7 to 19 are State within the meaning of Article 12 of the Constitution of India or that the State Government has any liability for the payment of their salaries. The validity of Section 116-C of the Act has been upheld.

In the above circumstances, the writ petition itself is not maintainable nor could any relief be granted to the petitioners herein. The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue appropriate alternative remedy in accordance with law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 The Secretary, the Government of Andhra Pradesh Cooperation Department Secretariat, Hyderbad
2 The Commissioner for Cooperation and Registrar of Coop. Societies, Nampally Hyderabad
3 The General Manager, the Guntur District Coop. Central Bank Ltd., Guntur Guntur District
4 The District Coop Officer, Guntur Guntur District
5 The Divisional Coop. Officer, Guntur District
6 The Divisional Coop. Officer, Narasarao pet Guntur District
7 The chairperson/Person-in-charge, Atchampet Primary Agricultural Cooperative Society Ltd., Atchampet Atchampet Mandal, Guntur District

8 The chairperson/Person-in-charge, Krosur Primary Agricultural Cooperative Society Ltd., Krosur Krousur Mandal, Guntur District

9 The chairperson/Person-in-charge, Peesapadu Primary Agricultural Cooperative Society Ltd., Peesapadu Krousur Mnadal, Guntur District

10 The chairperson/Person-in-charge, parastyallur Primary Agricultural Cooperative Society Ltd., Parsatyallur Pedakurapadu Mnadal, Guntur District

11 The chairperson/Person-in-charge, Tallacheruvu Primary Agricultural Cooperative Society Ltd., Tallacheruvu Atchampet Mnadal, Guntur District

12 The chairperson/Person-in-charge, Velpur Primary Agricultral Cooperative Society Ltd., Velpur Atchampet Mandal, Guntur District

13 The chairperson/Person-in-charge, Panidam Primary Agricultrual Cooperative Society Ltd., Panidam Pedakurapadu Mandal, Guntur District

14 The chairperson/Person-in-charge, Gudipudi Primary Agriculral Cooperative Society Ltd., Gudipudi Pedakurapadu Mandal, Guntur District

15 The chairperson/Person-in-charge, Komatinenivaripalem Cooperative Society Ltd., Komatinenivari Palem Chilakaluripet Mnadal, Guntur

16 The chairperson/Person-in-charge, Manukondavaripalem Primary Agricultural Cooperative Society Ltd., Manukondavari Palem Chilakaluripet Mnadal, Guntur

17 The chairperson/Person-in-charge, ravela Primary Agriculrural Cooperative Society Ltd., Ravela Tadikonda Mnadal, Guntur District

18 The chairperson/Person-in-charge, Gorantla primary Agricultrual Coop Cooperative Society Ltd., Gorantla Gorantla Mnadal, Guntur District

19 The chairperson/Person-in-charge, Ponnekallu Primary Agricultural Cooperative Society Ltd., Ponnekallu Tadikonda Mnadal, Guntur District

20.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

21.2CD copies